

**Draft Agenda for Meeting on Wednesday, November 9, 2011 with
Environmental Protection Agency (EPA) Region 6 Superfund Division and
Arkansas Department of Environmental Quality (ADEQ)
1445 Ross Avenue, Dallas, Texas 75202 regarding
Arkwood Inc. Superfund Site
(EPA ID# ARD084930148; Site ID: 0600124)**

Attendees:

Charles Grisham, Jr.
Casey Luckett Snyder, EPA
Donald Williams, EPA
Charles Faultry, EPA
Carlos Sanchez, EPA
Shawn Ghose, EPA
Gloria Moran, EPA
Karen Peycke, EPA
Barbara Nann, EPA
Joseph Compton, EPA
Teresa Marks, ADEQ
Tammera Harrelson, ADEQ
Clyde Rhodes, ADEQ
Steve Drown, ADEQ
Tammy Hynum, ADEQ
Sarah Clem, ADEQ

Thesis: Arkwood Inc. Superfund Site (Arkwood) is a good candidate for deletion from the National Priorities List using the “direct final notice procedure” (see OSWER Directive 9320.2-09B-FS-P) and for an expedited program of land revitalization, including a Ready for Reuse (RfR) determination (see OSWER 9365.0-33). The United States Environmental Protection Agency (EPA) has a stated commitment to supporting the return of remediated Superfund sites to acceptable productive use in an expeditious manner as a matter of good public policy. Therefore, EPA should become fully engaged in the effort to revitalize the Arkwood, Inc. Superfund site and return it to acceptable productive use, including resolving and neutralizing any and all surmountable obstacles to that end, deleting Arkwood from the National Priorities List using the “direct final notice procedure” and achieving the determination of Ready for Reuse, with attendant assurances to prospective industry that it may locate on this site without fear of liability.

I. Obstacles to Revitalization of Arkwood, Inc. Site

A. Arkansas Department of Environmental Quality (ADEQ)

1. New Cricket Spring (NCS)

- a) Small, offsite spring shows minute traces of contaminant pentachlorophenol (PCP)
- b) Record of Decision (ROD) requires NCS water to be remediated to ADEQ standards

2. Despite water quality being the final remediation task, the Water Division at ADEQ has admitted it has little or no direct knowledge of Arkwood or its water quality issues

- a) Instead, ADEQ Hazardous Waste Division is in charge, despite its lack of expertise in water quality issues

(1) http://www.adeq.state.ar.us/hazwaste/pdfs/ground_water_remediation_interim_policy_and_guidance.pdf

- 3. ADEQ defers to McKesson Corporation for all testing, data, analysis, decision-making and site management
- 4. ADEQ misapplied EPA **National Recommended Water Quality Criteria** in its adoption into its Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 2

- a) “Water Quality Standards: [Water quality standards](#) define the goals for a water body by designating its uses, setting criteria to measure attainment of those uses, and establishing policies to protect water quality from pollutants.”

- b) “Water Quality Criteria: Section 304(a)(1) of the Clean Water Act requires us to develop [criteria for water quality](#) that accurately reflects the latest scientific knowledge. These criteria are based solely on data and scientific judgments on pollutant concentrations and environmental or human health effects. Section 304(a) also provides guidance to states and tribes in adopting water quality standards. Criteria are developed for the protection of aquatic life as well as for human health.”

(1) Quotes taken from EPA website at

<https://owpubauthor.epa.gov/scitech/swguidance/index.cfm#cmc>

5. ADEQ misapplied APC&EC Regulation 2 in its determination of water quality standards at NCS
 - a) ADEQ or APC&EC have not adopted any human health criteria
 - b) No “use” established for NCS, as there is no use
 - c) No aquatic life proven to exist in NCS
 - d) Sarah Clem of ADEQ acknowledge that not just APC&EC Regulation 2 alone was used to establish water quality “standards” for NCS
 - e) See Masoud Arjmandi letter determining ADEQ water quality standard for NCS

B. McKesson Corporation

1. Committed to keeping Arkwood “mothballed indefinitely”
 - a) see documentation of Mescher’s statements
2. Attempts to take ownership of Arkwood by use of threats and obstruction

C. EPA

1. Remedial Project Manager Shawn Ghose (RPM) has not performed due diligence, designed revitalization into remediation project, nor met any of the required milestones for land revitalization
2. RPM defers to McKesson Corporation for all testing, data, analysis, decision-making and site management

D. “Bad Science”

1. No evidence “pilot study” effective
 - a) quite the opposite
2. “Average” of data points

3. Chain of custody of samples
4. Accreditation of laboratories
5. Control for pH
 - a) collection vessel pH?
6. “Chronic” and “Acute” interpretations
7. Kresse semi-log through the floor
8. Clem “water insects” and “permitting process”
9. et cetera

II. Other Considerations

- A. Amend Institutional Control to describe the smallest area necessary
 1. Committed by Carlos Sanchez on April 12, 2011
- B. Revise Third Five-Year Site Review to correct inaccuracies, to address Grisham, Jr.’s concerns adequately and to include required scope for land revitalization, including required milestones toward that goal.
- C. Develop indemnification for potential industrial or commercial site occupants

III. Next Steps to Overcoming Obstacles

- A. Discussion
- B. Commitments
- C. Tasks
- D. Timeline